

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 105.4, the Plumbing and Mechanical Systems Board hereby amends Chapter 28, “Plumbing and Mechanical Systems Board—Licensure Fees,” Iowa Administrative Code.

The purpose of these amendments is to align the rules in Chapter 28 with the definitions and requirements contained in 2011 Iowa Acts, House File 392. These amendments describe the fees for new licenses, reciprocal licenses, and renewal licenses for those persons working in the plumbing, HVAC, refrigeration, and hydronics trades. In addition, late renewal fees are addressed. An annual review of the fee schedule is also included.

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation are impracticable because 2011 Iowa Acts, House File 392, became effective upon signing on April 28, 2011.

The Board also finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of these amendments should be waived and these amendments should be made effective upon filing because 2011 Iowa Acts, House File 392, became effective on April 28, 2011, and the amendments confer a benefit on the public. Professional licenses are being issued under Iowa Code chapter 105, and these amendments provide the fee structure necessary for the licensees to continue to renew licenses and obtain new licenses.

The Plumbing and Mechanical Systems Board adopted these amendments on June 21, 2011.

These amendments are also published herein under Notice of Intended Action as **ARC 9610B** to allow public comment. This emergency filing permits licensees to renew licenses and obtain new licenses under the new fee structure.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 105 as amended by 2011 Iowa Acts, House File 392.

These amendments became effective on June 21, 2011.

The following amendments are adopted.

ITEM 1. Amend subrule 28.1(1) as follows:

28.1(1) License fee for:

- a. An apprentice license as defined in 641—subrule 29.2(1) is \$50.
- b. A journey license as defined in 641—subrule 29.2(2) is ~~\$100~~ 50.
- c. A master license as defined in 641—subrule 29.2(3) is ~~\$250~~ 125.
- d. A medical gas pipe certificate as defined in 641—29.3(105) is \$50.
- e. An inactive license as defined in 641—subrules 29.2(5) and 29.2(6) is \$50.
- f. A contractor license as defined in 641—subrule 29.2(4) is ~~\$250~~ 150.
- g. A special restricted license as defined in 641—subrules 29.2(8), 29.2(9), 29.2(10), and 29.2(11) is \$50.

ITEM 2. Amend subrule 28.1(2) as follows:

28.1(2) Reciprocal license fee for:

- a. An apprentice license as defined in 641—subrule 29.2(1) is \$50.
- b. A journey license as defined in 641—subrule 29.2(2) is ~~\$100~~ 50.
- c. A master license as defined in 641—subrule 29.2(3) is ~~\$250~~ 125.

ITEM 3. Amend subrule 28.1(3) as follows:

28.1(3) Renewal license fee for:

- a. An apprentice license as defined in 641—subrule 29.2(1) is \$50.
- b. A journey license as defined in 641—subrule 29.2(2) is ~~\$100~~ 50.
- c. A master license as defined in 641—subrule 29.2(3) is ~~\$250~~ 125.

- d. A medical gas pipe certificate as defined in 641—29.3(105) is \$50.
- e. An inactive license as defined in 641—subrules 29.2(5) and 29.2(6) is \$50.
- f. A contractor license as defined in 641—subrule 29.2(4) is ~~\$250~~ 150.
- g. A special restricted license as defined in 641—subrules 29.2(8), 29.2(9), 29.2(10), and 29.2(11) is \$50.

h. The renewal fee shall be waived for all licenses renewed from January 1, 2011, through December 31, 2012. However, if applicable, late fees as set forth in subrule 28.1(5) and paper application fees as set forth in subrule 28.1(10) will be applied.

ITEM 4. Amend subrule 28.1(5) as follows:

28.1(5) A late fee for failure to renew before expiration is determined as follows:

a. A licensee who allows a license to lapse for ~~one month~~ 30 days or less may reinstate and renew the license with payment of the appropriate renewal fee and without ~~examination upon~~ payment of a ~~\$60~~ late fee ~~and appropriate renewal of license fee~~.

b. A licensee who allows a license to lapse for more than ~~one month~~ 30 days but less than ~~two months~~ 60 days may reinstate and renew the license without examination upon payment of a \$60 late fee ~~equivalent to the appropriate license fee and the appropriate renewal of license fee~~.

c. A licensee who allows a license to lapse for more than ~~two months~~ 60 days is required to retake and pass the applicable licensing examination and pay the appropriate renewal of license fee in order to obtain reinstatement. A licensee whose license has lapsed continues to hold the privilege of licensure in Iowa, but may not work as a plumbing or mechanical professional or contractor in Iowa until the license is renewed. A licensee who works as a plumbing or mechanical professional, including under a special restricted license, works as a geothermal heat pump installer, or operates as a contractor in the state of Iowa with a lapsed license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code ~~section 147.83~~ chapter 105, criminal sanctions pursuant to Iowa Code ~~section 147.86~~ chapter 105, and other available legal remedies.

ITEM 5. Rescind rule 641—28.2(105) and adopt the following new rule in lieu thereof:

641—28.2(105) Annual review of fee schedule. Within 60 days following the end of each fiscal year, the board shall submit a report to the general assembly that includes a balance sheet projection extending no less than three years. If the revenue projection exceeds the expense projections by more than 10 percent, the board shall adjust the fee schedules so that projected revenues are no more than 10 percent higher than projected expenses. Revised fees shall be implemented no later than January 1, 2013, and January 1 of each subsequent year.

ITEM 6. Amend **641—Chapter 28**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapters~~ chapter 105 as amended by 2011 Iowa Acts, House File 392, and chapter 272C.

[Filed Emergency 6/21/11, effective 6/21/11]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/13/11.